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DIVISION OF PROFESSIONAL REGULATION

ADVANCED PRACTICE COMMITTEE Minutes (Approved March 30, 2015)

The Advanced Practice Committee held a meeting on February 23, 2015 at 6:00 p.m., in Conference Room A, Cannon Building, 861 Silver Lake Boulevard, Dover, DE.

PRESENT: Megan Williams, Jean Gallagher, Ron Castaldo, Sandy Elliott, Delphos Price, Leslie Verucci, Cindy Drew, Allen Prettyman, JoAnn Baker

ABSENT: Cindy Cunningham, Robert McKennett, Candace Sandal

GUESTS: Jill Englund Jensen, FNP; Chris DiPietro; Julia Paulus, RN, CNM Student; Rebecca Walker; Carlos de los Ramos, AARP DE

PRESIDING: Megan Williams

STAFF: Pamela Zickafoose, Executive Director, Delaware Board of Nursing

CALL TO ORDER: Dr. Williams called the meeting to order at 6:10 p.m.

REVIEW OF MINUTES: Minutes from November 24, 2014 were reviewed. Ms. Gallagher recommended a change on page 2 and then made a motion to accept the minutes as corrected, seconded by Ms. Baker. By unanimous vote, the motion carried.

NEW BUSINESS:

Scope of Practice issue

Dr. Williams reminded the committee members that she, Dr. Prettyman, Dr. Zickafoose, and Dr. Diefenbach met with Dr. Borer who had concerns related to FNP's practicing beyond their scope in psychiatric care. Dr. Prettyman added the group had open, honest communication and shared his concerns. Dr. Williams further explained the group initially considered sending written communication to physicians and advanced practice nurses to remind them to practice within their scope. A letter was drafted by Dr. Borer and the others added revisions to the letter. However, after careful consideration of the situation and the content of the letter, it was decided this letter might confuse practitioners more than help correct the issues. In addition, there is a system in place for reporting complaints and the process works. Dr. Williams contacted Dr. Borer and shared scope of practice documents from the AANP with him. She also informed him of the decision to not send any communication at this time. Dr. Williams also mentioned that Dr. Borer recently sent communication regarding CCHS and incorporating outpatient behavioral

health consistent with the SIMM grant. There will be increased recruitment of psychiatric/mental health NPs into primary care which is integral to the statewide innovation model.

Ms. Baker stated she also had concerns about FNPs working at behavioral health facilities and functioning as psychiatric NPs. She stated she has been a nurse and FNP for a number of years and she agreed that there should be concerns. Members discussed various methods for communicating the scope of practice message to new advanced practice nurses and all agreed the best method is to include this during their educational preparation. Dr. Williams added that the AANP stated that FNPs practicing in a psychiatric setting without the proper education and credentialing are a liability. Therefore, they need to get the education, certification and licensure consistent with their practice. This is the whole impetus behind the consensus model. Ms. Drew questioned the outcome with Dr. Borer and Dr. Williams stated he could present a complaint to the Division of Professional Regulation for investigation and use the mechanism that is in place if a nurse is practicing outside of scope of practice.

UNFINISHED BUSINESS:

Education for New Legislators

No report.

Legislative Update

Dr. Zickafoose provided an update on the two bills currently under review by the Governor's policy committee. She stated the first bill was a clean-up bill including the APRN language, education requirements for licensure reinstatement when APNs are outside of practice 5 or more years, and the requirements for inclusion on a prescription. The second bill is the regulatory bill including language to bring licensure and regulation of advanced practice nurses under the Board of Nursing.

Legislative Outreach- Stakeholder Contact Meetings

Dr. Williams informed the committee members that she and Dr. Zickafoose met with the Medical Society of DE (MSD) last Friday; she confirmed everyone read the draft shared via email. She began the discussion on the draft language presented from the MSD using the original Consensus Model bill, stating the language was very similar to VA which added the "team" language. She also submitted it to the AANP but has not received comments yet. Ms. Elliott read feedback from the ACNM which stated this is better than language in some states but it is more supervisory than collaborative and it still includes joint regulation of practice and licensure. Mr. Price questioned whether the draft was sent to AANA and stated he would send it for their input. Dr. Zickafoose read comments from the NCSBN which stated the AMA posted documents for their members including model language regarding physician led patient care teams. Most of the language in the MSD draft is synonymous if not identical to the AMA model language. Members discussed other documents submitted from the NCSBN and expressed concerns that the MSD draft language creates more barriers to practice than already exist.

Dr. Prettyman suggested the committee look at the JPC language first. The intent of the APN committee was to eliminate the JPC yet the MSD retains it with the same composition. Mr. Price commented he had been on the JPC since 2003 when Ms. Hendricks was the chairperson and the committee met monthly until 2009 and then on an as-needed basis. Ms. Drew is currently the chair and she stated that everyone who was presented to the BMLD for prescriptive authority had been approved. Ms. Verucci noted the draft language seemed to include more oversight rather than collaboration of practice. Dr. Williams stated there were three options with the language- adopt it, keep the original language, or compromise with changes to the composition of the JPC. She took a straw poll and then made a motion to keep the original APN committee

language on page 5, seconded by Ms. Gallagher. By unanimous vote, the motion carried. Members continued discussing the implications of the draft MSD language including the use of the term "doctor" and all agreed that anyone in any profession should be able to use the term if the degree was earned. Committee members continued in-depth discussion of the draft MSD language. One member commented that the email message from Mr. Wilson seemed to be incongruent with or opposite of the draft bill language. Instead of breaking down barriers, the draft is building more. It was also noted that no other profession regulates another profession- there are no nurses on the BMLD. Dr. Williams assured the committee she mentioned this to the MSD representatives. She and Dr. Zickafoose will meet with the MSD on March 13th and present the committee's concerns to the MSD.

Section 8 Regulations

Tabled.

OTHER BUSINESS (for discussion only): None

PUBLIC COMMENT:

Ms. Walker agreed with committee members that the draft language was a step backward. She shared several recommendations and encouraged the Division to get the bills introduced as soon as the legislature reconvenes. Mr. DiPietro also offered suggestions to stay on course and to continue talks with the MSD. Committee members noted that the MSD was revising the original bill which was old and they agreed the draft language was out of place in nursing legislation. Mr. de los Ramos suggested a meeting with Dr. Williams to discuss additional resources. Dr. Zickafoose added she and Sarah Carmody from DNA would be having a conference call with AARP in the near future to discuss the Action Coalition.

NEXT MEETING –March 30, 2015 in Newark.

ADJOURNMENT – The meeting was adjourned at 7:42 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Pamela C. Zickafoose". The signature is written in a cursive, flowing style.

Pamela C. Zickafoose, EdD, MSN, RN, NE-BC, CNE
Executive Director, Delaware Board of Nursing